

111TH CONGRESS
1ST SESSION

H. R. 4086

To require that certain conditions be met before the transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2009

Mr. KIRK introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require that certain conditions be met before the transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guantanamo Detainee
5 Transfer Impact Assessment Act of 2009”.

6 **SEC. 2. REQUIREMENTS RELATING TO TRANSFER OF GUAN-**
7 **TANAMO DETAINEES.**

8 (a) REQUIREMENTS RELATING TO TRANSFER.—A
9 Guantanamo detainee may not be transferred to any State

1 unless the following 3 conditions have been met at least
2 60 days before the transfer:

3 (1) A Homeland Insecurity Impact Statement
4 has been prepared in accordance with subsection (b).

5 (2) The President has submitted a copy of the
6 Homeland Insecurity Impact Statement to each of
7 the following—

8 (A) Congress;

9 (B) the Governor of the State to which the
10 Guantanamo detainee is to be transferred; and

11 (C) the legislature of that State.

12 (3) The legislature of that State has consented
13 to the transfer by a majority vote.

14 (b) HOMELAND INSECURITY IMPACT STATEMENT.—

15 (1) PREPARATION.—The Homeland Insecurity
16 Impact Statement referred to in subsection (a) shall
17 be prepared by the Comptroller General in consulta-
18 tion with—

19 (A) the Inspector General of the Depart-
20 ment of Homeland Security;

21 (B) the Inspector General of the Federal
22 Bureau of Investigations; and

23 (C) the Inspector General of the Office of
24 the Director of National Intelligence.

(2) FORM AND CONTENT.—The Homeland Insecurity Impact Statement referred to in subsection (a) shall be in writing and shall include—

(A) the name of the Guantanamo detainee to be transferred;

(B) the location and the name of the installation to which the Guantanamo detainee is to be transferred;

(C) an explanation as to why that location has been selected; and

(D) an assessment of any risks which transferring the Guantanamo detainee to that location poses to—

(i) the security of the United States;

(ii) the residents of the United States;

(iii) the United States Armed Forces;

and

(iv) the intelligence community as that term is defined in section 3(4) of the National Security Act 1947 (50 U.S.C. 401a(4)).

(c) DEFINITIONS.—In this section:

(1) GUANTANAMO DETAINEE.—The term “Guantanamo detainee” means an individual who on

1 November 1, 2009, is detained at Naval Station,
2 Guantanamo Bay, Cuba.

3 (2) STATE.—The term “State” includes the
4 District of Columbia, the Commonwealth of Puerto
5 Rico, the Virgin Islands, Guam, American Samoa,
6 and the Commonwealth of the Northern Mariana Is-
7 lands and any other territory or possession of the
8 United States.

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